

FOR THE WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

FILED

AUG 24 2011

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DM DEPUTY CLERK

Cause No 5:11-CV-645

S.M., Individually; and J.M
Individually and as next Friend
of L.M, A Minor
- Plaintiffs

V.

SCOTT ASH JAMES ZIRUS
- Defendant, Pro Se

X
X
X
X
X
X
X
X
X
X
X

ORIGINAL ANSWER OF DEFENDANT SCOTT ASH JAMES
ZIRUS TO PLAINTIFFS ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW SCOTT ASH JAMES ZIRUS, one of the Defendants in the
above-styled and numbered cause, and for answer to Plaintiffs original complaint
would show unto the Court the following:

I

ORIGINAL ANSWER

1. Paragraphs 1, 2, 3 and 4 of Plaintiffs original complaint contains party information that need not be admitted or denied.
2. Paragraph 5 of the Plaintiffs original complaint contains jurisdictional information that need not be admitted or denied.
3. Paragraph 6 of the plaintiffs original complaint contains venue information that need not be admitted or denied.
4. Defendant admits sentence 1 of paragraph 7 of the Plaintiffs original complaint. The Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in the remainder of paragraph 7 of the Plaintiffs original complaint.
5. Defendant denies the allegations contained in paragraph 8 of Plaintiffs original complaint.
6. Defendant admits sentence 1 of paragraph 9 of Plaintiffs original complaint. The Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in the remainder of paragraph 9 of the Plaintiffs original complaint.
7. This Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraph 10 of the Plaintiffs original complaint.
8. Defendant admits sentence 1 of paragraph 11 of the Plaintiffs original complaint. The Defendant denies the allegations contained in the remainder of paragraph 11 of the Plaintiffs original complaint.

10. The Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations contained in paragraphs 16, 17, 18, 19, 20, 21, 22 and 23 of the Plaintiff's original complaint

II

ADDITIONAL ANSWER

11. In addition to the Original Answer I would like to show this Court that I was never charged, indicted, convicted nor plead guilty to any alleged offense pertaining to August 2009 nor does any aspect of my incarceration or conviction have anything at all to do with L.M. It is my belief that the Plaintiff attempts to capitalize on other lawsuits currently being litigated. One of which is also already being represented by Plaintiff's Attorney - Charles E. Soechting, State Bar No 18821300
12. It is also my belief that this claim is frivolous and attempts to bring suit under false pretenses by fraudulent misrepresentation of a fact. That fraudulent fact being that I "was arrested and plead guilty" as a result of L.M's Parents reporting an alleged assault to the proper authorities (paragraph 8 of Plaintiff's original complaint). This is untrue and shows reckless disregard for the truth.
13. Another obvious misrepresentation under false pretenses is in paragraph 13 when it states "Zirus pled guilty to this offense." It is easy to confirm that my conviction, which the Plaintiff falsely presents as a fact to constitute cause of action, has nothing to do with L.M.

Respectfully Submitted



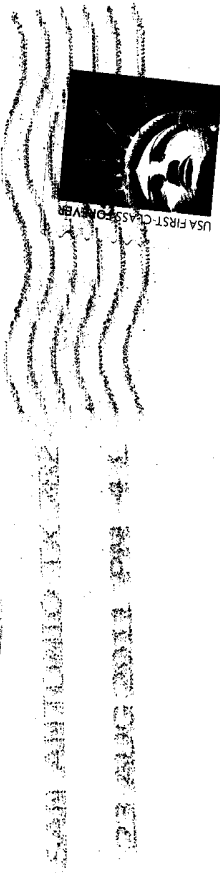
Scott Ash James Zirus #16400002
Defendant, Pro Se
Garza East
4304 Hwy 202
Beeville, TX 78102

CERTIFICATE OF SERVICE

I hereby certify that I have caused a true and correct copy of the foregoing instrument to be served upon the following counsel of record by Regular Mail on this 22 day of August 2011

- Charles E. Soechting, 400 West Hopkins, Suite 100, San Marcos, Texas 78666
- Nathan M. Rymer, 2801 Post Oak Blvd, Suite 250, Houston, Texas 77056
- Kirk D. Willis, 1700 Pacific Ave, Suite 3740, Dallas, Texas 75201
- US District Clerk's office, 655 East Durango Blvd, San Antonio, Texas 78266

Zirus #1640002
Curtis East
4304 Hwy 202
Beaville, TX 78102



US District Clerks Office
655 East Durango Blvd
San Antonio, TX 78206

RECEIVED

AUG 24 2011

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY CLERK

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- 178206120675
Legal Correspondence